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At CBS Trial, Film Editor Cites His Complaints Concerning Documentary

By M. A. FARBER

Ira Klein, the principal film editor for a disputed CBS documentary on the Vietnam War, testified yesterday that he had complained about the fairness and adequacy of the program even as he was helping to prepare it in 1981.

Mr. Klein appeared in Federal District Court in Manhattan as the 19th and last witness for Gen. William C. Westmoreland in the trial of his \$120 million libel suit against CBS and three other defendants. Dan M. Burt, the general's lawyer, will rest his case this morning, with David Boies, the lawyer for CBS, immediately opening the case for the defendants. The trial, which began on Oct. 9, is expected to last another six weeks.

The 33-year-old Mr. Klein said he had told George Crile, the producer of the documentary shown in January 1982, that his investigation was "inadequate" and that he was "destroying our credibility" by not giving General Westmoreland sufficient opportunity to reply to charges against him.

Complained to Producer

Mr. Klein told the jury that he had also complained to Joseph Zigman, the associate producer of "The Uncounted Enemy: A Vietnam Deception," that the thesis of the program was not "supported" by former intelligence officers and other interviewees.

In a vigorous cross-examination in which he pointed his finger accusingly at Mr. Klein, Mr. Boies attempted to show that the film editor was unfamiliar with much of the research for the documentary and had a strong personal bias against Mr. Crile.

Q. Is it not true, sir, that you and Mr. Crile had a difficult personal relationship?

A. That's correct, during the latter part.

Q. And things got so bad that you said you could not stand to look at Mr. Crile?

A. Not that I recall.

Mr. Boies then introduced the transcript of a taped interview with Mr. Klein by Don Kowet, the author of "A Matter of Honor," a book on the controversy over the documentary.

In the interview, conducted well after the broadcast, Mr. Klein described Mr. Crile as a "social pervert" and as a man whom he came to feel he could no longer look at or work with.

"Did you say," Mr. Boies asked, "that Mr. Crile was devious and slimy?"

"Yes," Mr. Klein replied casually. "I believe that to be so."

Mr. Boies also brought out that Mr. Klein had not read the books, military cables and Congressional reports used

by Mr. Crile for the documentary, had not attended any of the interviews, and had himself never written a story.

To account for Mr. Klein's harsh language in his interview with Mr. Kowet, Mr. Burt, on re-direct examination, tried to show that the film editor had been frustrated in his efforts to have CBS look into the program after it was denounced by General Westmoreland. Mr. Klein testified that he met several times with Andrew Lack, a superior, in February and March 1982.

Finally, Judge Pierre N. Leval instructed the jury that Mr. Klein's "hostility" toward Mr. Crile could be considered only "as part of your consideration as to whether Mr. Klein is a believable witness or not."

Mr. Klein was chosen by Mr. Crile in December 1980 as the film editor for the 90-minute Vietnam broadcast and went to work on it four months later. It was the first time, he testified, that he had worked on a documentary that ran longer than 18 minutes. He said he edited the first three of the broadcast's five segments and assembled stock footage from files at CBS and elsewhere for the other two parts.

Mr. Crile is a defendant at the trial, as is Mike Wallace, the narrator of the broadcast, and Samuel A. Adams, a former Central Intelligence Agency analyst who was a paid consultant for CBS for the documentary.

General Westmoreland, who commanded American forces in Vietnam from 1964 to 1968, contends that CBS defamed him by saying he had deceived President Johnson and the Joint Chiefs of Staff about the true size and nature of North Vietnamese and Vietcong forces in the year before the Tet offensive of January 1968. Mr. Klein said yesterday that that was indeed the premise of the program.

The general maintains that the broadcast said he imposed an "arbitrary ceiling" of 300,000 on reports of enemy strength in South Vietnam and suppressed reports from his officers of a higher enemy presence and a higher infiltration rate than was made known.

Mr. Klein testified yesterday — as he had in a publicized, pre-trial deposition — that, soon after the documentary was broadcast, Mr. Adams came to his editing room at CBS studios "and told me that we have to come clean, we have to make a statement, the premise of the show is inaccurate."

The film editor said he "looked at Mr. Adams and said, 'It's a little bit late, Sam,' and Mr. Adams said to me that he was telling George all along that L.B.J. had to know. At that time my assistant looked at me and rolled her eyes . . ."

Mr. Burt cut him off. "That's all I want," he said.

At another stage, Mr. Adams testified that he once said to Mr. Crile, "You realize that Mr. Adams seems obsessed. Can you trust the information, the accuracy that Sam is providing you?"

And Mr. Crile, he said, responded that "he knew."

Q. Did you understand Mr. Crile to be saying that he knew Mr. Adams was obsessed?

A. Yes.

Mr. Burt took Mr. Klein over a number of other areas during his direct examination, most of them covered in previous testimony and virtually all of them designed to show that, in its editing process as well as in its choice and handling of interviewees, CBS had favored some participants in its documentary at the expense of General Westmoreland.

He also asked Mr. Klein whether he had had "any reaction" in 1981 after he had read the transcripts of all the people who were interviewed on camera for the program.

Mr. Boies, buttoning his suit jacket, leaped from his green leather chair at the defense table.

"Objection, your honor," he shouted.

The objection was sustained.

Mr. Klein testified that, in May or June 1981, Mr. Crile entered the editing room and said that he was about to bring in George Allen, a former deputy chief of Vietnamese Affairs for the C.I.A. who had already been interviewed for the documentary.

'Jeopardizing the Project'

Mr. Klein said he told Mr. Crile that "he was jeopardizing the project" by bringing Mr. Allen into the room. But the producer did so, Mr. Klein testified, and, after introducing Mr. Allen, remarked that he was "an old C.I.A. man and this wouldn't go any further."

Mr. Crile, Mr. Klein said, then took over the editing machine and showed

Mr. Allen interviews he had conducted with other intelligence officers.

Although Mr. Klein said he could not recall it, previous testimony indicated that Mr. Crile re-interviewed Mr. Allen after that screening.

Mr. Klein also testified that, in July 1981, he asked Mr. Crile whether he planned to interview Gen. Phillip B. Davidson Jr., General Westmoreland's chief of intelligence after June 1, 1967. But Mr. Crile, according to Mr. Klein, said that General Davidson was "in a hospital on his deathbed."

In January 1982, Mr. Klein continued, Mr. Adams told him that General Davidson was "as healthy as a clam." And Mr. Klein said that, during a taxicab ride to a studio, he passed that information to Mr. Crile. The producer, he recalled, said nothing.

General Davidson, who recovered from cancer in 1974, testified earlier in this trial for General Westmoreland, and said that no one had ever asked him to "fake" data on enemy strength in Vietnam. But he could not remember many of the specifics of his service during 1967.

Yesterday, Mr. Boies questioned whether Mr. Klein had said anything to Mr. Crile about General Davidson after July 1981.

The CBS lawyer set up a tape recorder on the railing of the jury box and played part of Mr. Klein's interview with Mr. Kowet. Mr. Klein was heard to say several times that July was the last time he raised the subject of General Davidson with the producer.

"So," Mr. Boies said, "what you testified to wasn't true, was it, sir?"

Mr. Klein said that, before Mr. Kowet's book was published, he corrected himself.

Mr. Boies suggested, as well, that Mr. Klein was wrong in defining the premise of the program as a deception by General Westmoreland.

Although Mr. Klein said the premise was contained in the "tease" of the broadcast — its first several paragraphs — that part makes no reference to General Westmoreland by name. It alleges a "conspiracy" by senior military intelligence officers to "suppress and alter critical intelligence on the enemy" in 1967.